

REMARKS

By the present amendment, claims 38-43, 45-53 and 56 are amended to recite the invention with greater clarity. Claims 54 and 55 are cancelled. Note that, in the previous amendment, there was no claim 44, due to a numbering error. By the present amendment, claim 44 is indicated as having been cancelled, for the avoidance of confusion.

Claims 38-47, 50-52, 54 and 55 were rejected in the Official Action as allegedly being obvious over Richardson (U.S. Patent No. 497,606) in view of Llorente Hompanera (U.S. Publication Application No. 2001/0043977). That rejection is respectfully traversed for the following reasons.

Richardson discloses a rigid mould; and thus the plate-shaped base C is not provided to stiffen the rigid hollow piece, but rather to facilitate removal of the bread or cake from the pan. Even if the plate-shaped base C is clipped into the groove a which is downwardly delimited by a ring-shaped wall B, this groove a is not upwardly delimited by an upper lip, but by the lower end of the conical lateral wall of the hollow piece (there is no lip extending radially from the lateral wall). In consequence, the plate-shaped base C is not pinned (pressed) against the ring-shaped wall B.

In Richardson leakage of the batter between the hollow piece and the plate-shaped base is prevented by the

conjugated shapes of the lower grooves b, c in the ring-shaped wall B and the plate-shaped base C.

Llorente Hompanera merely discloses the use of silicone in a mold for culinary preparation, which thus utilizes the flexibility of silicone as an alternative mechanism for facilitating the removal of the baked good from the mold.

However, claim 38 recites a mold for a culinary preparation comprising a flexible hollow piece made from an elastomer material and a rigid plate-shaped base stiffener. Nothing in either reference or in any proper combination thereof would have suggested to the skilled artisan a mold in which the wall is flexible and the base is rigid.

A skilled artisan considering Richardson and Llorente Hompanera would not replace the rigid hollow piece of Richardson with a flexible hollow piece made from an elastomer while retaining a rigid bottom plate. In fact, a man having ordinary skill in the art would understand that, on account of the weight of the batter disposed in the mould, the wall of the Richardson pan if made of elastomer would deform, and thus a gap would be created between the wall and a rigid bottom plate. Consequently, a man having ordinary skill in the art would be afraid of the risk of leakage of batter, or even of the separation of the bottom plate, if the applied references were combined in the manner proposed.

Furthermore, that fear is heightened by the fact that, contrary to claim 38, the bottom plate of Richardson is not pinned by an upper lip against the lower lip; instead, the removable plate of Richardson can float in the groove on account that the lateral wall does not comprise a protruding upper lip.

Claims 38, 39 and 53 were rejected as allegedly being obvious over Maurino (U.S. Patent No. 4,045,153) in view of Sollich (GB 697,071). That rejection is also respectfully traversed for the following reasons.

Maurino discloses a one-piece flexible mould having either a rigid ring 11 embedded in the mould or a rigid ring 11' disposed in a groove 20' realised in the lower end of the outer surface of the lateral wall of the mould.

Sollich discloses a flexible mould 1 comprising a rigid plate-shaped base stiffener 4 vulcanised at the outer surface of the bottom wall of the mould.

Thus in both references the interior of the mold is defined by a continuous single one-piece elastomeric element. By contrast, claim 38 recites that the bottom wall of the mold is defined by both the flexible hollow piece and the plate-shaped base stiffener. That characteristic is not true of either Maurino or Sollich, and is not suggested by the references considered collectively.

Furthermore, claim 38 requires that the lower portion of the elastomeric element a lower lip holding the rigid plate-shaped base stiffener and an upper lip extending above the lower lip, defining with the lower lip a groove in which the plate-shaped base stiffener is removably received, and pinning the plate-shaped base stiffener against the lower lip. No such structure is present in either Maurino or Sollich, and is not suggested by the references considered collectively.

Claims 38-50 and 53-55 were rejected as allegedly being obvious over Greene (U.S. Patent No. 5,582,389) in view of Sollich (GB 697,071). That rejection is also respectfully traversed, for the following reasons.

Greene discloses a mould comprising a lateral wall 214 made in aluminium and having a score line 220 in order to be easily opened. Even if it is indicated that aluminium may be replaced by other materials that can withstand the conditions employed to cook and that can be provided with parting means, like polymeric materials, the polymeric materials cited are thermoplastics but not elastomer.

The proposal to replace the disposable wall of the Greene mold with an elastomer as in Sollich is untenable, in that elastomers of Sollich are not intended to be either torn or thrown away. The proposal thus arises only through use of impermissible hindsight.

Furthermore, a skilled artisan considering Greene and Sollich would not replace the disposable plastically deformable piece of Greene with a flexible hollow piece made from an elastomer, in view of Sollich. To the contrary, the skilled artisan would understand that, on account of the weight of the batter disposed in the mould, the wall of the Greene pan if made of elastomer would deform, and thus a gap would be created between the wall and a rigid bottom plate. Consequently, a man having ordinary skill in the art would be afraid of the risk of leakage of batter, or even of the separation of the bottom plate, if the applied references were combined in the manner proposed.

Furthermore, that fear is heightened by the fact that, contrary to claim 38, the bottom plate of Greene is also not pinned by an upper lip against the lower lip; instead, the removable plate of Greene can float in the groove on account that the lateral wall does not comprise a protruding upper lip.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,  
YOUNG & THOMPSON

/Andrew J. Patch/  
Andrew J. Patch, Reg. No. 32,925  
Customer No. 00466  
209 Madison Street, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573

AJP/lad